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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,706	12/13/2000	Gabriel Guary	35711-00001	3249

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EXAMINER
ASHBURN, STEVEN L

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 04/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/719,706	GUARY ET AL.	
	Examiner	Art Unit	
	Steven Ashburn	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 December 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.,

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

MARK SAGER
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 6, 8 and 10 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by '3DZoneMaster', collectively referenced to <www.proxy-ms.co.il/pegasus.htm> (1998), <www.mpog.com/reviews/hardware/controls/-techmedia/3dzone> (1997), <www.gamesdomain.co.uk/-gdreview/zones/review/hardware/-jan98/3dz_prnt.html> (Jan. 1998), <www.time.com/time/magazine/-1997/dom/971215/-techwatch.html> (Dec. 1997) and <www.gamersu.com/reviews/hardware.sap?id=11> (hereinafter 3DZoneMaster)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4, 5, 7, 9 an 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over 3DZoneMaster.

3DZoneMaster describes a three-dimensional, pistol-style controller particularly suited for shooting games. In addition to tracking the air-point of the controller in three-dimensions, the device integrates a multi-directional controller (i.e. coolie hat) into upper-face of the device for slewing the displayed field of view. See pp. 1, 7, and 12. Furthermore, the controller's switches

are programmable to support various functions required by software. See pp. 1, 8. Thus, 3DZoneMaster teaches a pistol-style controller with in integrated multi-directional controller as an improved user-interface in a shooting game where the player must provide directional control while targeting objects displayed on the screen.

In regards to claim 4, 3DZoneMaster integrates a multi-directional switch. See p. 1, 7, 12. However, the reference does not suggest employing a control pad, joystick or trackball as alternate directional controllers. Regardless, one with ordinary skill in the art would recognize these devices as substitutable equivalents used for the same purpose as a multi-directional switch. Thus it would be obvious to substitutive a control pad, joystick or trackball for the multi-directional switch described by 3DZoneMaster.

In regards to claim 5, 3DZoneMaster describes using the controller in three-dimensional, first person shooter games. Additionally, it allows the users to customize the controller's switch to execute commands otherwise assigned to keyboard, mouse, or joystick switches. See pp. 1, 8. However it does not discuss a button for switches the effect of the multi-directional controller to enable lateral movement of a game character. Regardless, it is notoriously well known in first-person-shooter games to employ a button to switch a directional controller from commanding left/right rotation to left/right lateral movement of the game character (i.e. strafe, slide, or sidestep). This feature is typically incorporated into keyboard, mouse, and joystick controls for first-person-shooter games to allow a player remain facing forward while moving or dodging an enemy character's attack. The examiner takes official notice that it would have been obvious to provide a button in the 3DZoneMaster controller to effect of the multi-directional controller to enable lateral movement of the game character.

In regards to claim 7, 3DZoneMaster does not disclose employing the feedback to simulate the recoil of a pistol when fired. Regardless, shooting games using simulated pistols that

simulate recoil are notoriously well-known in the art of shooting games systems. At the time of the invention, an artisan with ordinary skill in the art would have been aware other devices incorporating this feature. Thus the examiner takes official notice that it would have been obvious to an artisan at the time of the invention to modify the 3DZoneMaster to simulate the tactile sensation of recoil when employing the controller in a shooting game.

In regards to claims 9 and 10, 3DZoneMaster discloses a controller for use with a computer system. However, the references do not discuss using the controller with a television console or virtual reality systems. Regardless, one with ordinary skill in the art would have knowledge of these alternate systems for creating games of various realism and expense. Thus using the controller within a television or virtual reality system would have been obvious to an artisan at the time of the invention based on his implicit knowledge.

In regards to claims 12, 3DZoneMaster disclose a pointing device for a computer user interface. Although not discussed, the essence of a computer pointing device is an on-screen pointer. Thus the examiner assumes the references employ some fashion of cursor displayed on a computer display. However, the reference does not describe representing a shooting axis using a visible crosshair and the game image. Regardless, it is notoriously well known in shooter games to designate an aim point with a crosshair in order to mimic a gun sight. Thus the examiner takes official notice that it would be obvious to designate an aim point in a shooting game user the controller described by the 3DZoneMaster using a crosshair.

It would have been obvious to one skilled in the art at the time of the invention to incorporate the above features of a video shooting game into the multi-directional controller disclosed by 3DZoneMaster. The resulting system game would offer an improved interface allowing the to both target and move and thereby offer a more realistic and enjoyable game experience.

Conclusion

The following prior art made is considered pertinent to applicant's disclosure of record, but not relied upon:

a. 'Quick Quake Introduction' <http://www.geocities.com/TimesSquare/Realm/9609/-id/q1/q1intro.htm> (1996) describes the controls for the three-dimensional first person shooter game 'Quake' by id Software, Inc. including assignable buttons for 'sidestep' and viewpoint slewing functions. See p. 4. Notably, 'Quake' also displays a crosshair for indicating a gun's aim point.

b. Igarashi, U.S. 5,569,085 (Oct. 29, 1996) discloses a pistol controller for shooting game incorporating tactile feedback for simulating recoil.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703 308 4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305 3590 for regular communications and 703 308 3579 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.

Steven Ashburn
March 20, 2002

MARK SAGER
PRIMARY EXAMINER